tion presented.

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein filed the instant Petition to request a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 10 sq.ft. in lieu of the minimum required front yard average of 17.5 feet for a proposed addition in accordance with Petitioner's Exhibit 1. A review of the case file would indicate that as a result of a typographical error, the Petition erroneously requested a greater relief than that required and that the request is actually for a variance of 10 feet, not 10 square feet. Inasmuch as the relief needed is considerably less than that requested, no new Petition or public hearing on the matter will be required.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documenta-

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of unreasonable hardship upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the

the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

PETITION FOR RESIDENTIAL VARIANCE

of the minimum required front yard average of $17\frac{1}{2}$ ft.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

Baltimore County sdopted pursuant to the Zoning Law for Baltimore County.

petition be posted on the property on or before the 28th day of Nov. 19 90.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described the description and plat attached hereto and made a part hereof, petition for a Variance from Section

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason:

NATURE OF MY JOB, WE DO NOT WANT THE BURDEN OF A LARGE MORTAGE WE WOULD NEED TO SECURE, TO PURCHASE A HOUSE LARGE ENOUGH TO FULFILL OUR

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing

this Petition.

Legal Owner(s):

I/We do solemnly declare and affirm, under the

penalties of perjury, that I/we are the legal

owner(s) of the property which is the subject of

41 DOGWOOD DRIVE H. 574-2998

BALTIMORE, MARYLAND, 21220 City/State/Zip Code

purchaser or representative to be contacted.

MAP NE 3-J

F-3

THE EXISTING HOUSE IS TOO SMALL FOR OR FAMILY. DUE TO THE UNSTABLE

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

To allow a front yard setback of 10 sq. ft. in lieu

Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or

requirements as set forth in Section 500.14 of the B.C.Z.R. In accordance with Section 500.14 of the B.C.Z.R., the Director

result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands; 2) Conserve fish, wildlife, and plant habitat; and

1) Minimize adverse impacts on water quality that

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 03 / day of January, 1991 that the Petition for Residential Variance to permit a front yard setback of 10 feet in lieu of the minimum required front yard average of 17.5 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions prece-

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order: however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return,

dent to the relief granted:

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s)

is/are competent to testify thereto in the event that a public hearing is scheduled in the future with That the Affiant(s) does/do presently or upon settlement will reside at 41 DOGWOOD DRIVE,

BALTIMORE, MARYLAND, 21220 That based upon personal knowledge, the following are the facts upon which I/we base the request for

for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) THE EXISTING HOUSE IS TOO SMALL FOR OUR FAMILY. DUE TO

THE UNSTABLE NATURE OF MY JOB, WE DO NOT WANT THE BURDEN OF A LARGE MORTAGE WE WOULD NEED TO SECURE, TO PURCHASE A HOUSE LARGE ENOUGH TO FULFILL OUR NEEDS.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert Alenning AFFIANT (Handwritten Signature)

DEBORAH L. JENNINGS APFIANT (Printed Name)

a Deborah I Jenney cath in due form of law that the matters and facts bereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Beginning at a point on the East side of Dogwood Drive at the South corner of Fourth Road. *Being Lot #(44), Section #(N) in the subdivision of Stansbury Manor as recorded in Baltimore County Plat Book #(13), Folio #(138), containing 6,590 square feet. Also known as 41 Dogwood Drive and located in the #(15th) Election District.

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

(indicate hardship or practical difficulty)

Contract Purchaser:

Attorney for Petitioner:

111 West Chesapeake Avenue Towson, MD 21204

Baltimore County Government

Zoning Commissioner Office of Planning and Zoning

Mr. & Mrs. Robert A. Jennings 41 Dogwood Drive

Baltimore, Maryland 21220 RE: PETITION FOR RESIDENTIAL VARIANCE SW/Corner Dogwood Drive and Fourth Avenue (41 Dogwood Drive) 15th Election District - 5th Councilmanic District Robert A. Jennings, et ux - Petitioners Case No. 91-184-A

Dear Mr. & Mrs. Jennings:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order. In the event any party finds the decision rendered is unfavor-

able, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391. Very truly yours,

J. Robert Haines J. ROBERT HAINES Zoning Commissioner for Baltimore County

cc: Chesapeake Bay Critical Areas Commission
Tawes State Office Building, D-4, Annapolis, Md. 21404

People's Counsel

ZONING COMMISSIONER OF BALTIMORE COUNTY

ment Division to make an inspection of the subject

JRH:bjs

and be responsible for returning, said property to its original condition. 2) Petitioners shall not allow or cause the proposed

addition to be converted to a second dwelling unit and/or apartments. 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforce-

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

property to insure compliance with this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 3, 1991, attached hereto and made a part hereof.

Zoning Commissioner for Baltimore County

ZONING DESCRIPTION

RITICAL AREA 202

H9100202

11/09/90 PRICE PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 X TOTAL: \$60.00 LAST MAME OF OWNER: JENNINGS

> \$60.00 N4AN4#OOD6MICHRC BA COO2:23FM11-09-90 Please make checks payable to: Baltimore CountEXT BUSINESS DAY

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District | 528 | Date of Posting | 1/4 | 90

Posted for:

Petitioner: Robert A. Januarys, stuy

Location of property: Sw/cor, Dogwood Ands + Tourth Has

HI Dogwood Dails

Location of Signs: Focing Dogwood Dails, approxi 20' for toodway, On property y lete traise

BALTIMORE COUNTY, MARYLAND

DATE: December 3, 1990

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner

Pat Keller, Deputy Director

Office of Planning and Zoning

Edith May Souza, Item No. 166

Kwan Woo Lee, Item No. 173

Eileen C. Misler, Item No. 183

Sharon Piaskowski, Item No. 196

Gary E. Stahl, Item No. 199

Gloria P. Brown, Item No. 203

Javad Darbandi, Item No. 208

Office of Planning at 887-3211.

PK/JL/cmm

Helen M. Yingling, Item No. 214

Earlie E. and Linda R. Towe, Item No. 170

Harry E. Belsinger, et al., Item No. 175

Key Federal Savings Bank, Item No. 186

Brian D. and Tulia Briscoe, Item No. 193

Roland H. and Darlene Farlow, Item No. 171

Gary D. and Kathleen M. Stewart, Item No. 178

Stephen D. and Wendy K. Mooney, Item No. 189

Keith E. and Terri L. Yeager, Item No. 201

Robert E. and Karen F. Ege, Item No. 207

William M. and Constance M. Pitcher, Item No. 185

Charles Henry and Vickie Jean Wallis, Item No. 195

Robert E. and Deborah L. Jennings, Item No. 202

Thomas D. and Jeannette Considine, Item No. 209

In reference to the Petitioners' requests, staff offers no

provide additional information, please contact Jeffrey Long in the

If there should be any further questions or if this office can

Dale A. and Cheryl Poletynski, Item No. 181 Bruce D. and Mary V. Frith, Item No. 182

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

Mr. & Mrs. Robert A. Jennings

Baltimore, Maryland 21220

November 19, 1990

Dennis F. Rasmussen
County Executive

Re: CASE NUMBER: 91-184-A LOCATION: SWC Dogwood Drive and Fourth Avenue 41 Dogwood Drive

41 Dogwood Drive

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 28, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is December 13, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

> > (301) 887-3391

Very truly yours,

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke Chief

NOVEMBER 28, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

ROBERT A. JENNINGS RE: Property Owner:

#41 DOGWOOD ROAD

Zoning Agenda: NOVEMBER 27, 1990

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Special Inspection Division

JK/KEK

Baltimore County Government Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

December 6, 1990

Mr. & Mrs. Robert A. Jennings 41 Dogwood Drive Baltimore, MD 21220

> RE: Item No. 202, Case No. 91-184-A Petitioner: Robert A. Jennings, et ux Petition for Residential Variance

Dear Mr. & Mrs. Jennings:

Enclosures

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

BALTIMORE COUNTY. MARYLAND

INTER-OFFICE CORRESPONDENCE

J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

PROPERTY OWNER: Robert A. Jennings, et ux

LOCATION: SWC Dogwood Drive and Fourth Avenue (#41 Dogwood

() RAMPS (degree slope)

() CURB CUTS

() SIGNAGE

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

SEPARATION EISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS

USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND

ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE,

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

() PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE

NOVEMBER 15, 1990

ZONING ITEM #: 202

FLECTION DISTRICT: COUNCILMANIC DISTRICT:

PERMITS & LICENSES

SUBJECT:

FOLLOWING:

HANDICAPPED.

() BUILDING ACCESS

REQUIRED.

() OTHER -

SUBMITTED.

() NUMBER PARKING SPACES

BALTIMORE COUNTY BUILDING CODE.

TO COMPLY TO NEW USE REQUIREMENTS.

TOWSON, MARYLAND 21204 - PHONE - 887-3900.

received

Zoning Plans Advisory Committee

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 9th day of November, 1990.

Zoning Plans Advisory Committee

Petitioner: Robert A. Jennings, et ux Petitioner's Attorney:

> BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines Zoning Commissioner

DATE: January 3, 1991

FROM: Mr. Donald C. Outen

SUBJECT: Petition for Zoning Variance -Jennings Property Chesapeake Bay Critical Area Findings

ZONING OFFICE

SITE LOCATION

The subject property is located at 41 Dogwood Drive. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Robert Jennings

The applicant has requested a variance from section 303.1 of the Baltimore County Zoning Regulations to permit a front yard setback of 10 square feet in lieu of the minimum required front yard average of 17

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

"Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;

Conserve fish, wildlife and plant habitat; and

Mr. J. Robert Haines January 3, 1991 Page 2

> Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" < COMAR 14.15.10.01.0>.

REGULATIONS AND FINDINGS

22-216>

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

Finding: This property is located approximately 200 feet from the tidal waters of Chestnut Cove. No disturbance of the shoreline buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>. Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec.

Finding: In order to comply with the above regulation rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached information). This will encourage maximum infiltration of stormwater and will bring this property into compliance with the 10% rule. Infiltration of stormwater is a recommended Best Management Practice in a "Framework for Evaluating Compliance with the 10% Rule in the Chesapeake Bay Critical Area".

Mr. J. Robert Haines January 3, 1991 Page 3

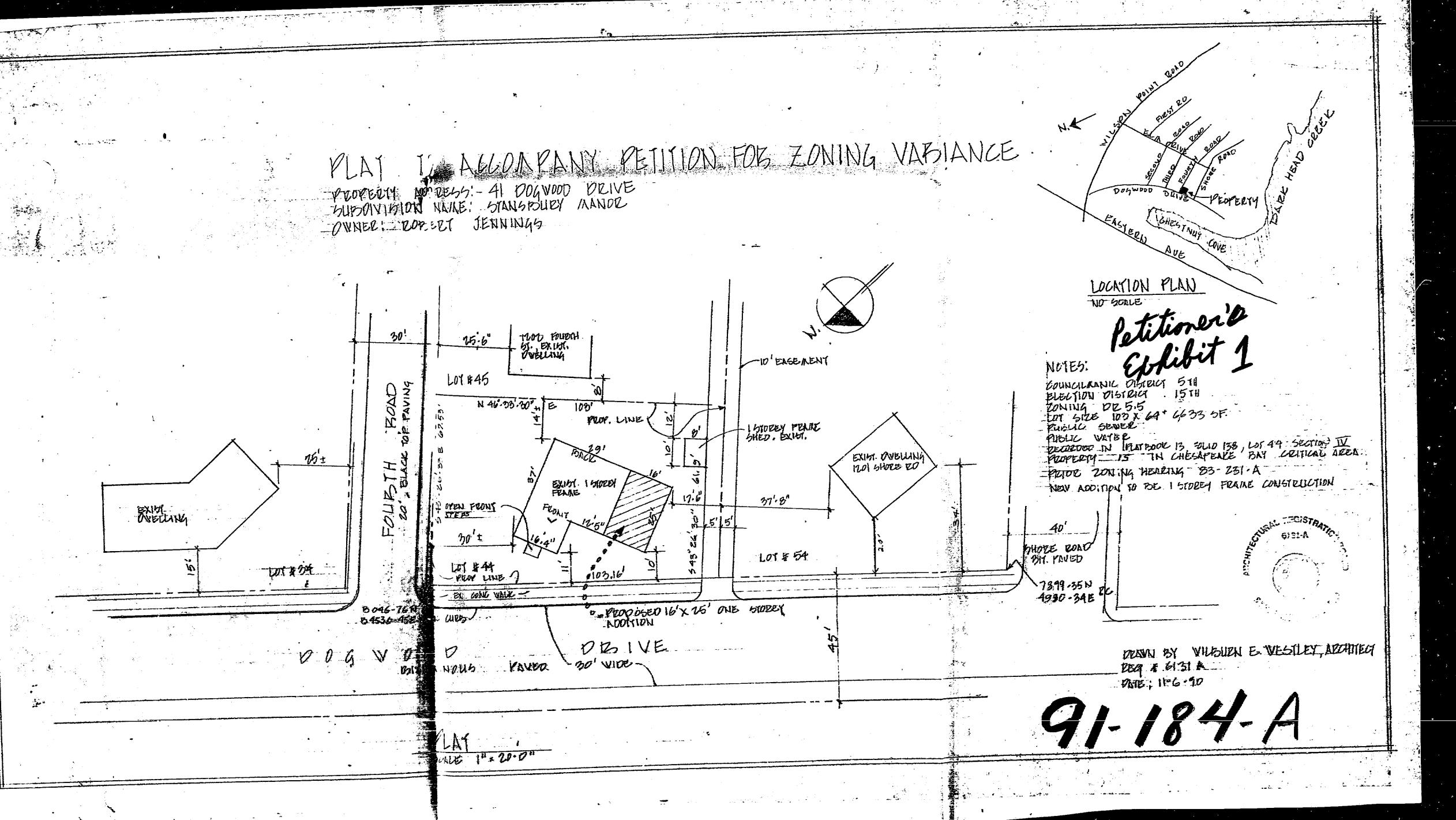
The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

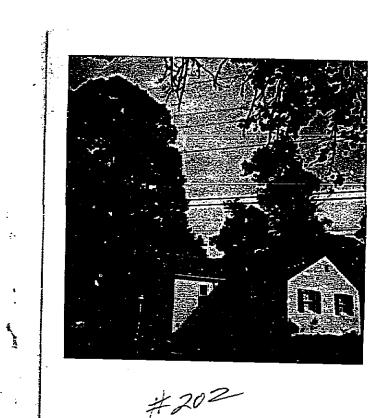
Department of Environmental Protection and Resource Management

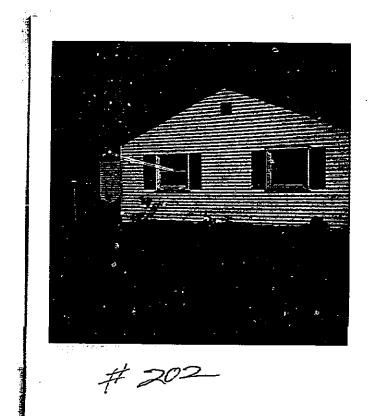
DCO:DCF:ju Attachment

cc: The Honorable Ronald B. Hickernell The Honorable Vincent Gardina The Honorable Donald Mason Mrs. Janice B. Outen



CASE#: 91-184-A





PETITIONER'S EXHIBIT #2

